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LETTER DATED 3 NOVEMBER 1996 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that, at 1100 hours on 17 October 1996, the American frigate Garrett, bearing number 23, contacted the master of the Iraqi fishing vessel Diyala while it was fishing in Iraqi territorial waters near Mina' al-Bakr and Mina' al-Amiq and ordered him to bring in the fishing net and head out to sea beyond territorial waters. The frigate then requested the vessel to provide details of the number of its crew members, its tonnage and the port from which it had sailed, as well as to open all the hatches of the vessel and assemble the crew at the stern. A rubber dinghy then set off, carrying on board 15 armed American servicemen and three civilians, who boarded and deployed throughout the vessel, while three servicemen held the crew at gunpoint at the stern. The crew was taken below and the servicemen continued to search the vessel. At 1330 hours on the same day, the search operation ended and the vessel was permitted to return to Iraqi territorial waters, nothing in contravention of Security Council resolution having been found aboard.

I request your intervention with the Government of the United States with a view to halting and preventing any repetition of these hostile acts against Iraqi civilian vessels. Such actions constitute a flagrant infringement of the inviolability and sovereignty of the Republic of Iraq, being actions in violation of the Charter of the United Nations and the provisions of international law that are carried out by American warships without justification with the aim of creating tension and instability in the region.

I also reaffirm the legally established right of the Republic of Iraq to receive compensation for the damage caused to its property as a result of such acts, in accordance with the principles of international responsibility.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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